

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF TEXAS
LAREDO DIVISION**

UNITED STATES OF AMERICA

Plaintiff,

v.

0.2273 ACRES OF LAND, MORE OR
LESS, SITUATE IN WEBB COUNTY,
STATE OF TEXAS; AND ANTONIO
RUIZ, *ET AL.*

Defendants.

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CASE NO. 5:20-CV-043

**PLAINTIFF’S OPPOSED MOTION FOR A CONTINUANCE OF THE STATUS
CONFERENCE**

The United States, through the Assistant United States Attorney, P. Conner Kirtley, respectfully moves for a sixty (60) day continuance of the status conference scheduled for May 19, 2021.

BACKGROUND

The United States commenced this case on March 20, 2020, by filing the Declaration of Taking, which sought to acquire a Right of Entry in property identified as LRT-LRS-1007.¹ On January 20, 2021, President Joseph R. Biden, Jr. issued the Proclamation on the Termination of Emergency with Respect to the Southern Border of the United States and Redirection of Funds Diverted to Border Wall Construction (Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021)). The Proclamation directed the United States to “pause work on each construction project

¹ Dkt. No. 2.

on the southern border wall, to the extent permitted by law, as soon as possible but in no case later than seven days from the date of this proclamation.” *Id.*

1. In light of the Proclamation, the United States filed a Motion to Withdraw, requesting a status conference after March 22, 2021²
2. On February 3, 2021, the Court granted that motion, setting a status conference for March 23, 2021.³
3. On February 3, 2021 the United States was notified via ECF notification that the Status Conference had been set for March 30, 2021. ⁴
4. On February 22, 2021, the Court reset the status conference to April 28, 2021.⁵
5. On March 30, 2021, the Court *sua sponte* reset the status conference to May 19, 2021, in order to “allow the Government additional time to develop its future course of action.”⁶

REQUEST FOR RELIEF

The United States requests that the Court continue the status conference as it will not prejudice any party of this case. Rather, the United States believes the continuance sought herein will preserve judicial and party resources based on the following reasons:

1. This is a federal land condemnation action seeking to acquire property in order “to conduct surveying, testing, and other investigatory work needed to plan the proposed construction of roads, fencing, vehicle barriers, security lighting, cameras, sensors, and

² Dkt. 19

³ Dkt. 20

⁴ Dkt. 20-1

⁵ Dkt. 21

⁶ Dkt. 22

related structures designed to help secure the United States/Mexico border within the State of Texas.”⁷

2. On January 20, 2021, President Joseph R. Biden, Jr. issued a Presidential Proclamation, terminating the national emergency at the Southern Border Wall and directing “a careful review of all resources appropriated or redirected to construct a southern border wall” through the development of “a plan for the redirection of funds concerning the southern border wall.”⁸
3. The plan for the redirection of funds concerning the southern border wall was expected to be developed within 60 days from the date of the proclamation, but as of this date no guidance has been forthcoming as to Webb and Zapata counties.⁹

Based on the foregoing, the United States request that the Court grant this motion and enter an order continuing the filing of status conference for at least 60 days.

CERTIFICATE OF CONFERENCE

The United States was unable to locate and contact Antonio Ruiz in order to confer regarding this motion and therefore cannot confirm whether or not Mr. Ruiz is opposed to this motion, therefore, this motion in being filed opposed.

Respectfully Submitted,

JENNIFER B. LOWERY
Acting United States Attorney
Southern District of Texas

⁷ Dkt. No. 2, Schedule B.

⁸ Proclamation No. 10142, 86 Fed. Reg. 7225 (Jan. 27, 2021).

⁹ *Id.*

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Certificate of Service

The undersigned counsel hereby certifies that, on the 6th day of May 2021, I mailed a true and correct copy of the foregoing document via regular mail to all parties remaining in this case.

By: s/P. Conner Kirtley
P. CONNER KIRTLEY